

# Walker & Jocke

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Ralph E. Jocke

Patent

&

Trademark Law

October 6, 2003

Board of Patent Appeals and Interferences  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Re: **Application Serial No.:** 09/811,718  
**Confirmation No.:** 2928  
**Applicants:** Jay Paul Drummond, et al.  
**Title:** Method And System For Connecting  
Services To An Automated Transaction  
Machine  
**Docket No.:** D-1120 R2

Sir:

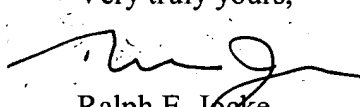
Please find enclosed a Request for Clarification of the Record, including a copy of a return receipt postcard having a USPTO date stamp of May 27, 2003 thereon. Also enclosed is a copy of the Appeal Brief previously filed on May 23, 2003 in triplicate, for filing in the above-referenced application.

If necessary, please charge the fee required for the Appeal Brief filing (\$330) and any other fee due to Deposit Account 09-0428.

10/17/2003 SWILLIAM 00000002 090428 09811718

01 FC:1402 330.00 DA

Very truly yours,

  
Ralph E. Jocke  
Reg. No. 31,029

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## CERTIFICATE OF MAILING BY EXPRESS MAIL

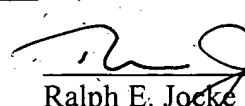
10/28/2003 SWILLIAM 00000003 090428 09811718  
01 FC:1254 330.00 DA  
I hereby certify that this document and the documents indicated as enclosed herewith are being deposited with the U.S. Postal Service as Express Mail Post Office to addressee in an envelope addressed to Board of Patent Appeals and Interferences, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 this 6th day of October 2003.

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E-MAIL

231 South Broadway, Medina, Ohio U.S.A. 44256-2601

#11  
10/15/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	)	
<b>Jay Paul Drummond, et al.</b>	)	
	)	
Serial No.: <b>09/811,718</b>	)	Art Unit 3624
	)	
Confirm. No.: <b>2928</b>	)	
	)	
Filed: <b>March 19, 2001</b>	)	Patent Examiner
	)	Daniel S. Felten
	)	
Title: <b>Method And System For</b>	)	
<b>Connecting Services To An</b>	)	
<b>Automated Transaction Machine</b>	)	

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action ("Action") dated September 29, 2003 kindly enter  
Appellants' Request for Clarification of the Record as follows:

**Request for Clarification of the Record**

The Action acknowledges that a Notice of Appeal was filed on April 3, 2003. The Action  
also indicates that the Appeal Brief has not been filed. The Appellants respectfully disagree.  
The Appeal Brief was timely filed.

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Appellants enclose evidence herewith showing that the Appeal Brief was timely filed on May 23, 2003. Enclosed is a copy of the Appeal Brief cover sheet showing a certificate of mailing of May 23, 2003. Also enclosed is a copy of the return receipt postcard having the serial number, docket number, item listing (i.e., "Brief of Appellants"), and USPTO mail date stamp thereon. The USPTO mail date stamp shows that Appellants' Appeal Brief was indeed received in the USPTO on May 27, 2003.

The return receipt postcard serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO (MPEP 503). Therefore, the return receipt postcard, with the listings thereon having been checked by the USPTO with the items actually filed, in accordance with MPEP 503, confirms that Appellants' Appeal Brief was indeed timely filed. If necessary, the express mail label number for the Appeal Brief can also be used to verify its filing date as May 23, 2003.

Thus, Appellants have presented evidence that the Appeal Brief was timely filed and received by the USPTO. Appellants respectfully request acknowledgment thereof by the Office. Appellants also respectfully request that the record be clarified to show that the Appeal Brief was timely received by the USPTO on May 27, 2003. As a courtesy to the Office, a copy of the Appeal Brief previously filed on May 23, 2003 is enclosed herewith.

Respectfully submitted,



Ralph E. Jocke Reg. No. 31,029  
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SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		A. Signature <b>X</b> <div style="text-align: right;"> <input type="checkbox"/> Agent  <input type="checkbox"/> Addressee </div>	
1. Article Addressed to: <i>Board of Patent Appeals and Interferences</i> <i>Commissioner for Patents</i> <i>PO Box 1450</i> <i>Alexandria VA 22313-1450</i>		B. Received by (Printed Name) _____ C. Date of Delivery _____	
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2. Article Number <i>EV 164068547 US</i> (Transfer from service label)		3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
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